

Appl No.: 10/623,227

Reply to Office Action mailed August 01, 2007

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CENTRAL FAX CENTER**Atty. Dkt. No:  
UCF-273DIV.A

SUBSTITUTE RESPONSE

**JAN 29 2008****REMARKS/ARGUMENTS**

Favorable consideration of this application is respectfully requested. Claims 37, 39, 44, 46-48, 51, 55 and 56 are pending and believed in condition for allowance.

In the Official Communication mailed January 23, 2008, in a Notice of Non-Compliant Amendment under 37 CFR 1.121, the Examiner checks paragraph 4C. "Each claim has not been provided with the proper status identifier . . ." Accordingly, Applicant has corrected the status for Claim 59 to read: "Previously Presented."

The Examiner checks paragraph 4E. "Claim 39 has been changed and is incomplete." Applicant finds that there was an inadvertent typographical error in ending the claim with a semi-colon. Accordingly, Applicant has restored the period to the end of Claim 39, as it was previously presented with a period at the end.

The Examiner checks paragraph 5 and requests that Applicant, "Please resubmit 'page 6 of 6.'" Accordingly, Applicant is resubmitting the entire amendment as previously filed with the corrections noted in the preceding paragraphs.

The remarks and arguments that follow are as previously submitted on October 25, 2007.

Applicant has amended Claim 37 to correct remove "of" and correct an inadvertent grammatical error. Applicant presents the remaining claims 39, 44, 46-48, 51, 55 and 56 without the deleted materials and underlined insertions. Applicant has canceled Claim 45 which was objected to under 37 C.F.R. 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim and further rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Evans et al. article teaching what "appears" to be a ... "hollow tube ... about 100 nm across." Accordingly, the objections and

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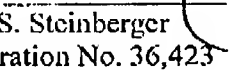
rejection of Claim 45 is now moot; withdrawal of the objections and rejection of Claim 45 is respectfully requested.

With regard to the rejection of Claims 37, 44-48, and 51 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 – 14 of U.S. Patent No. 6,787,229, Applicant encloses a Terminal Disclaimer to Obviate a Double Patenting Rejection Over A Prior Patent that is commonly owned by the University of Central Florida with common inventorship. Thus, any patent granted on the present application shall be enforceable only for and during such period that the commonly owned patent, U.S. 6,787,229 is enforceable. It is understood that the rejection of canceled claim 45 on the ground of nonstatutory obviousness-type double patenting is moot. However, Applicant respectfully requests the withdrawal of the rejection of Claims 37, 44, 46-48, and 51 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 – 14 of U.S. Patent No. 6,787,229.

The application and Claims 37, 39, 44, 46-48, 51, 55 and 56 are believed in condition for allowance; allowance is respectfully requested.

If the Examiner believes that an interview would be helpful, the Examiner is requested to contact the attorney at the below listed number.

Respectfully submitted,

  
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